

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WENDELL JERMAINE HOLLIS,

Plaintiff,

v.

Case No. 10-10729

Hon. Lawrence P. Zatkoff

RICHARD A. BULLARD, Detroit
Police Officer; MATTHEW FULGENZI,
Detroit Police Officer, sued in their
individual capacities, and RALPH L.
GODBEE, Chief of Detroit Police
Department, sued in his official capacity,

Defendants.

ORDER DENYING MOTION TO STRIKE [DKT. 69]

This matter is before the Court on Defendant Ralph L. Godbee's ("Defendant") Motion to Strike Discovery Requests [dkt 69]. Plaintiff has filed a response. The Court finds that the facts and legal arguments pertinent to the motion are adequately presented in the parties' papers, and the decision process will not be aided by oral arguments. Therefore, pursuant to E.D. Mich. L.R. 7.1(f)(2), it is hereby ORDERED that the motion be decided on the briefs submitted. For the following reasons, Defendant's Motion to Strike Discovery Requests is DENIED.

Defendant filed the instant motion seeking to strike Plaintiff's discovery requests, or deny Plaintiff's Motion to Compel [dkt 49] and assess Plaintiff \$750.00 for his failure to follow the court rules. Notwithstanding Plaintiff's persuasive arguments that Defendant has waived any objections to Plaintiff's discovery requests that it served upon Defendant, the Court need not address them.

The instant motion reiterates Defendants' counsel's willingness to defy this Court's orders and the Eastern District of Michigan Local Rules. First, in this Court's February, 25, 2011, Order, the Court expressed that E.D. Mich. L.R. 7.1(a) requires a party to seek concurrence with the opposing party before filing a motion. Defendants failed to do so when they filed their Motion for Extension of Time to File Response/Reply [dkt 57]. The Court denied that motion because they failed to follow the court rules. Defendants' counsel's instant motion fails in the same respect. Notwithstanding the fact that Defendant's motion lacks any specificity regarding which of Plaintiff's discovery requests should be stricken, his supporting brief provides the Court no further assistance. Defendant's brief is one page and states, "In support of his motion, Defendant relies on FRCP 5, E.D. Mich LR7 [sic] (a)(2) and all other applicable court rules." Not only is this of little assistance, but E.D. Mich. L.R. 7.1(d)(2) requires a brief to "contain a concise statement of the issues presented and, on the following page, the controlling or most appropriate authority for the relief sought." Even though Defendant's statement in his brief is concise, his brief neither contains an issue statement nor a "following page" with the controlling or appropriate legal authority.

Second, this Motion is untimely. Plaintiff submitted interrogatory requests and document requests on Defendant on November 28, 2010, and December 16, 2010, respectively. Without receiving a response to Plaintiff's requests, Plaintiff filed a fourth motion to compel—the motion to compel at issue in this Order. Pursuant to Local Rule 7.1(e)(2)(B), "A response to a non-dispositive motion must be filed within 14 days after service of the motion." Rather than file a timely response, Defendant filed the instant motion to strike Plaintiff's fourth motion to compel to circumvent Defendants' untimeliness.

Accordingly, IT IS ORDERED that Defendant Ralph L. Godbee's Motion to Strike

Discovery Requests [dkt 69] is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 17, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 17, 2011.

S/Marie E. Verlinde
Case Manager
(810) 984-3290